

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 104, Veterans Memorial Building, 900 Main St., Millis, MA  
April 25, 2022**

The meeting was brought to order at 7:00 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair

Carol Hayes, Vice Chair

Ed Chisholm, Christine Gavin, David Larsen, Scott McPhee, John Steadman

Members Absent:

Others present: Beth Fitzpatrick, RPS, South Kingstown, RI

Fran Rossi, Tresca, 66 Main St.

Josh Gittings, Black Cow, 1397 Main St.

Dan Merrikin, Legacy Engineering

Tom Day, 4 Granite Dr.

Tracy Lombardi, 2 Granite Dr.

Arthur Lombardi, 2 Granite Dr.

James McKay, Millis DPW

Sadada Jacks, 245-243 Ridge St.

Jerry Gaita, 20 Pleasant St.

Michael Giampietro, Millis Building Dept.

Stephen G. MacInnes, 78 Island Rd.

David Werner, 91 Ridge St.

**REQ. FOR DETERMINATION OF APPLICABILITY, PUB. HEAR., 1397 MAIN ST.**

The public hearing was opened at 7:00 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Gittings, representing the applicant, presented the application. The proposal is to replace the existing stockade fence located along the rear property line at The Black Cow and replace it with a new fence in the same location.

The Commission had conducted a site visit on March 17, 2022. The Commission will require erosion controls in the form of 8" wattles be installed and remain in place until vegetation has established. Also, any displaced materials are to be disposed of off-site.

There being no further discussion, on a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to close the public hearing at 7:07 p.m.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to approve a Negative 3 Determination of Applicability with the conditions stated above for 1397 Main Street, The Black Cow.

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**DEP FILE #CE225-0434, NOTICE OF INTENT, PUBLIC HEAR., 1 GRANITE DRIVE**

The public hearing was opened at 7:15 p.m. with notice being read by Ms. Hayes, Vice Chair.

Mr. Merrikin, representing the applicant, presented the application and plans. The construction of a single-family dwelling along with associated driveways, landscaping, and utilities in the buffer zone of a bordering vegetated wetland is proposed. Mr. Merrikin stated that the proposed work includes activities in the buffer zone associated with the construction of the building and driveway. An undisturbed buffer of at least 50 feet is provided to the edge of the wetland area in all locations per Millis regulations. The applicant intends to begin construction this spring and expects to be completed by the summer of 2023. Mr. Merrikin described the existing 1.9 acre site is undeveloped forest on the north side of Granite Drive. An existing stormwater basin for the surrounding subdivision lies in the southern portion of the site. He stated that no work is proposed in the basin and there would be no impact on the stormwater basin.

The Commission had conducted a site visit on April 9, 2022. Mr. Merrikin stated the he revised the site plan entitled, "Granite Drive Septic System Design Plan of Land in Millis, MA, dated March 29, 2022, revised April 20, 2022," to reflect the Commission's comments at the site visit: standard erosion control detail added; addition of four limit of work markers; notations about the buffer zone work added. The Commission requests that the patio shall not be impervious.

Some abutters to the property expressed concern over tree removal and disruption to wildlife. Mr. Merrikin stated that they will not be disturbing any wetlands as there will be no work within 50 feet of the wetlands.

On a motion made by Ms. Gavin, seconded by Mr. Steadman, it was voted unanimously at 7:27 p.m. to close the public hearing.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0434, 1 Granite Drive.

**DEP FILE #CE225-        ABBREVIATED NOTICE OF RESOURCE AREA  
DELINEATION, PUBLIC HEARING, CONT., 1178 MAIN ST.**

The public hearing continuation was opened at 7:36 p.m. with notice being read by Ms. Hayes, Vice Chair.

Mr. Merrikin, representing the applicant, requested a continuance, without discussion, via email dated April 20, 2022, to the next meeting on May 16, 2022.

On a motion made by Ms. Hayes, seconded by Mr. Steadman, it was voted unanimously at 7:37 p.m. to continue the public hearing to Monday, May 16, 2022, 7:15 p.m.

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**DEP FILE #CE225-0400 & #CE225-431 – REGENCY AT GLEN ELLEN  
INFORMAL DISCUSSION**

Discussion postponed until the May 16, 2022 meeting.

**TRESCA BROTHERS, 66 MAIN STREET  
DISCUSSION RE: UNPERMITTED WORK NEAR POND**

It was observed that a backhoe was excavating near the small pond on Tresca's property on Monday, April 18<sup>th</sup>. Commission member, Mr. Chisholm, went to the site and spoke to the equipment operator and had him stop the work. Mr. Chisholm was told that they "were dredging the channel to an existing culvert under Route 109 because the pond water was getting too high." They were going to coordinate this work with the DPW. A Cease & Desist was issued, via email, by the Commission on April 19, 2022, and Tresca was asked to attend tonight's meeting.

A site visit was conducted by the Commission on April 23, 2022. It was observed that a deep trench was dug from the wetland to the culvert, a distance of approximately 100 feet. Broken tree roots were noted sticking out of both sides of the trench and loose soil at the top of the trench.

Mr. Rossi of Tresca Brothers and Ms. Fitzgerald of RPS attended the meeting. Among other things, the Commission is very concerned over fines getting into the water and the steepness of the channel dug. This work should have been designed and approved before anything was done. Mr. Merrikin was also in attendance and he stated that they could place silt fence immediately and get something on the culvert to catch the fines. Ms. Fitzgerald stated that issuance of an Enforcement Order would be more expedient than them filing a Notice of Intent.

On a motion made by Mr. Steadman, seconded by Ms. Hayes, it was voted unanimously to issue an Enforcement Order to Tresca Brothers, 66 Main Street, for the unpermitted work. The property owner must take the following actions immediately:

1. Immediate installation of silt fence on top of slope of channel
2. Install measures to catch fines on North side of Rte. 109
3. Attend the June 6, 2022, meeting for presentation of a restoration plan

**REQ. FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING, CULVERT  
REPAIR, RIDGE ST.**

The public hearing was opened at 8:12 p.m. with notice being read by Dr. Lederer, Chair.

Mr. McKay, DPW Director, presented the application for repair of a culvert in the public right of way. He stated that there is a deficiency inside the pipe that is causing flooding back into the property at 233 Ridge Street. Erosion controls will be put in place and fines will be kept out of the brook, Mr. McKay said.

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On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to close the public hearing at 8:19 p.m.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to approve a Negative 5 Determination of Applicability as an exempt activity, citing 310 CMR: 10.02: Statement of Jurisdiction (2) (b) 2. p. for culvert repair in the Town right of way at 233 Ridge Street.

**REQ. FOR DETERMINATION OF APPLICABILITY, PUB. HEAR., 24 PLEASANT ST.**

The public hearing was opened at 8:26 p.m. with notice being read by Ms. Hayes, Vice Chair.

Mr. Gaita presented that application. He proposes the installation of a 10' x 20' metal storage shed in his backyard, which will be temporary. This shed will be used for storage of items from Mr. Gaita's former restaurant which burned down. The original application proposed the installation of two sheds, however, Mr. Gaita has changed it to one. The Commission conducted a site visit on April 9, 2022.

Mr. Giampietro, Building Commissioner, stated that the former plaza where the restaurant was located is being re-developed as a 40B project. The developer is supposed to provide Mr. Gaita with some storage space when complete – which may be three to five years, Mr. Giampietro said.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to close the public hearing at 8:35 p.m.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to approve a Negative 3 Determination of Applicability for 24 Pleasant Street with the following conditions:

1. Extend gravel placement surrounding the shed to accommodate roof run-off
2. Structure may remain for three years. If needed for more than that, contact the Conservation Commission for extension review and approval

**OAK GROVE FARM – PROPOSED TRAIL IMPROVEMENTS  
INFORMAL DISCUSSION - S. MACINNES; D. WERNER  
OAK GROVE FARM COMMISSION**

The Commission reviewed the draft Notice of Intent presented by Mr. Werner. The proposed trails are 7 to 8 feet wide to accommodate DPW equipment, he said. Mr. McKay stated that the basins are Town property and their intent is to slow the flow of the water for certain areas.

Mr. Werner will file the Notice of Intent in time for the May 16, 2022 meeting.

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**OTHER BUSINESS:**

**SITE VISITS:**

**5 BEECH STREET**

The homeowner had contact the Commission about removing invasive vines and excess brush from a natural area between his property and a neighbor's. The Commission conducted a site visit on April 23, 2022. All proposed work is outside of the 100 foot buffer. The Commission requested that erosion controls/silt sock (8") be placed along the 100 foot boundary as discussed at the site visit. Erosion controls are to remain in place until the new vegetation is established.

**114 NORFOLK STREET - TREE REMOVAL**

**EMERGENCY CERTIFICATION FORM**

The Commission had previously conducted a site visit to view trees proposed for removal that are in danger of causing property damage. Since that time, Ms. Moody contacted the Commission to say that a tree company recommended removal of additional trees. The Commission conducted a second site visit on April 23, 2022, to look at the additional trees. The trees observed were dead and removal is appropriate. No stumping will be permitted. An Emergency Certification permit will be issued once the tree work is scheduled.

**CORRESPONDENCE:**

**245 RIDGE STREET – TREE REMOVAL**

The Commission received a letter and attachments, dated April 25, 2022, from Dan and Kathleen Hennessy. They are requesting permission to remove a large, dead oak tree with branches extending over their roof at 254 Ridge Street. Should the tree and/or branches fall, they will cause property damage to the home.

On a motion made by Dr. Lederer, seconded by Ms. Hayes, it was voted unanimously to issue an Emergency Certification permit for 245 Ridge Street tree removal. No stumping is permitted.

**MINUTES**

On a motion made by Mr. Steadman, seconded by Mr. McPhee, the meeting minutes from April 4, 2022, were unanimously approved as written.

Scheduled Conservation Commission Meetings: May 16, 2022  
June 6, 2022

There being no further business, on a motion made by Mr. Chisholm, seconded by Mr. McPhee, and voted unanimously, the meeting adjourned at 9:25 p.m.

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*